

HB 188

AN ACT relating to protecting the public safety when licensing an operator of a motor vehicle.

Amends KRS 186.010 to amend the definition of "resident" to mean a person who has established Kentucky as their place of domicile and to provide that proof of residency shall include, but not be limited to a deed or property tax bill, utility agreement or utility bill, or rental housing agreement; and creates a new definition of a "special status individual" to include persons who are refugees, asylees, have a K-1 immigration status, or have an immigration status known as paroled in the public interest; creates a new section of KRS 186.400 to 186.640 to require a licensed driver who becomes a Kentucky resident to apply for a Kentucky driver's license in the office of the circuit clerk where the licensed driver lives within thirty days of establishing residency; requires the circuit clerk to verify the new resident's driving status through the National Drivers' Register before issuing the person a Kentucky driver's license; provides that a person who is not a U.S. citizen, but who is a Kentucky resident and who has been granted permanent resident status by the INS shall follow the same procedures for applying for a driver's license as a person who is a U.S. citizen; amends KRS 186.412 to require persons applying for a driver's license or a nondriver identification card that do not have a Social Security number to provide with the application either a federal tax identification number, a letter from the Social Security Administration declining to issue the person a Social Security number, or a notarized affidavit from the person to the Transportation Cabinet swearing that the person either does not have Social Security number, or refuses to divulge his or her Social Security number, based upon religious convictions; permits that the application must also be accompanied by proof of the person's residency; requires permanent residents to present either an I-551 card issued by the INS or a form with a photograph of the applicant, or a passport with a photograph, that is stamped by the INS as temporary evidence of lawful admission for permanent residence, with an expiration date and authorizing employment; requires under KRS 186.412 that if a person is not a United States citizen and the person has not been granted permanent residency status, the person must apply for their first Kentucky driver's license at either the Transportation Cabinet in Frankfort or one of the cabinet's field offices; requires the person's application to be accompanied by his or her INS documentation authorizing them to be in the U.S.; provides that if a person has been granted entrance to the states for ninety days to marry a U.S. citizen (K-1 status) the application must be accompanied by an original or certified copy of the person's completed marriage license signed by the official who presided over the marriage ceremony and two witnesses, and the person's petition to enter the U.S. for the purpose of marriage that contains the name of the prospective spouse' if the name of the prospective spouse on the petition does not match the name of the spouse on the marriage license, the Transportation Cabinet shall not be required to issue an operator's license; provides for the cabinet to review the INS documentation within fifteen days, but if further review is necessary, grants the

cabinet up to thirty days to determine if the applicant will be issued a Kentucky driver's license and if the cabinet determines the applicant may be issued a license, the person is given a form to take to the circuit clerk who also reviews all the person's documentation; permits issuance of a Kentucky driver's license if the applicant successfully completes the written and/or skills examinations as required, and his or her documentation is in order; provides that after the initial review of INS documentation by the Transportation Cabinet, a person goes to the office of the circuit clerk in the county where they live to renew their driver's license; requires persons whose immigration status changes to apply for renewal with the Transportation Cabinet or one of its field offices; amends KRS 186.412 further to provide that if an applicant does not have a Social Security number, or the applicant has submitted an affidavit objecting to the use of their number based upon religious convictions, the Transportation Cabinet will issue the applicant a unique identifying number; provides that persons applying for a nondriver's identification card to provide the same information as is required for a driver's license, but does allow a person to use as proof of residency a signed letter from a homeless shelter, health care facility, or social service agency currently providing the person treatment or services; provides for driver's licenses and nondriver's identification cards to be issued for four years unless the person is not a U.S. citizen, has not been granted permanent resident status, or is not a special status individual, in which case the license or nondriver's identification card will be issued for the length of time his or her INS documentation is issued, or four years, whichever is shorter; provides that if the person's INS documentation is issued for an indefinite period of time, the person will be issued a two year license; prohibits the issuance of a nondriver's identification card if the person holds an instruction permit or driver's license; provides that if the person's permit or license has been suspended or revoked, the person is permitted to be issued a temporary nondriver's identification card that must be surrendered when the person applies to have their permit or license reinstated; amends KRS 186.570 to authorize the Transportation Cabinet to suspend or deny a driver's license to any person who presents false or misleading information as to the person's residency, citizenship, religious convictions, or immigration status; creates a new section of KRS Chapter 186 to establish the persons required to take a written and/or skills test prior to being issued an instruction permit or driver's license; makes conforming amendments to KRS 186.410, 186.430, 186.440, and 186.480; repeals KRS 186.413 relating to an outdated color process used to issue a driver's license before Kentucky began issuing a digitized license.

HB 189

AN ACT relating to protecting the public safety when licensing operators of commercial motor vehicles and declaring an emergency.

Amends KRS 281A.010 to delete the definition of "foreign" and to amend the definition of "resident" to mean a person who has established Kentucky as their place of domicile and to provide that proof of residency shall include, but not be limited to a deed or property tax bill, utility agreement or utility bill, or rental housing agreement; creates a new section of KRS Chapter 281A to require persons initially applying for, or renewing, a commercial drivers license to undergo a state and national criminal history background check; permits a person to continue enrollment in a driver training school if the results of their background check have not been returned within 72 hours; provides that the final status of whether the applicant will be able to retain his or her CDL will not be determined until the results of the background check are available to the Transportation Cabinet; creates a new section of KRS Chapter 281A to permit a person who is not a resident to apply for a Kentucky CDL if the person is currently enrolled in a truck driving program through a private commercial school or through the Kentucky Community and Technical College System; amends KRS 281A. 140 to require a person applying for a duplicate CDL to apply in the office of the circuit clerk and to provide the clerk with a proof of his or her identity and a notarized affidavit with a raised seal explaining in detail the loss or destruction of the original CDL; provides that a person applying for a second or subsequent duplicate within the time period for which the original CDL was issued to apply to the Transportation Cabinet or one of the field offices; requires the person to provide proof of his or her identity and a notarized affidavit with a raised seal explaining in detail the loss or destruction of the previous duplicate issued; authorizes the Transportation Cabinet to take up to 30 days to determine if the person will be issued a second or subsequent duplicate CDL; amends KRS 281A. 150 to establish a fee of \$40 for the first duplicate CDL issued and \$60 for a second or subsequent duplicate applied for within the time period for which the original CDL was issued; amend KRS 281A.160 to permit the State Police to authorize third parties to administer the skills test for a CDL; requires a third party to enter a written agreement with the State Police that the State Police shall determine who will administer the skills test if the third party offers a program on commercial truck driving; requires the State Police to promulgate administrative regulations establishing procedures to ensure an "arms-length" relationship is maintained between third party testers and owners, officers, or employees of any program offering commercial truck driver training; amends KRS 281A.170 to add a new restriction on a CDL labeled "14" which restricts a commercial driver to operating vehicles equipped with an automatic transmission if the person took his or her skills test in a vehicle with an automatic transmission; requires a person wanting to remove a "14" restriction from his or her license to conduct another skills test in a commercial vehicle equipped with a manual transmission; creates a new section of KRS Chapter 281A to require persons initially applying to renew a CDL or adding an endorsement after September 30, 2002, to apply for the

renewal thirty days prior to the expiration date on the license to ensure the criminal history background check can be completed prior to the expiration of the license; makes conforming amendments to KRS 281A.120, 281A.130, and 281A.180; repeals KRS 281A.200 which grandfathered in drivers under the CDL requirements when the provisions were enacted in 1992; EMERGENCY.

HB 190

AN ACT relating to protecting the public safety involving commercial driver training and declaring an emergency.

Amends KRS 165A.310 to amend the definition of "cabinet" to mean the Finance and Administration Cabinet and to add new definitions for "CDL," "CDL driver training," "CDL driver training school," "Classification," "Commercial Motor Vehicle," "Endorsement," "Restrictions," and "Resident"; creates a new section of KRS Chapter 165A to require all proprietary schools located in, or doing business in, this state that offer commercial truck driving programs to be governed by the State Board for Proprietary Education; provides that the curriculum for commercial truck driving programs to be established by the state board in consultation with the State Police and the Kentucky Community and Technical College System; requires driver training schools to have their facilities inspected by the State Police; creates a new section of KRS Chapter 165A to require all persons applying for a license to run a commercial driver training school, or be an instructor at the school, to undergo a state and national criminal history background check; requires applicants to submit fingerprints to the State Police; requires the state board to promulgate administrative regulations specifying offenses and conditions under which an applicant will be denied a license based upon the background check; creates a new section of KRS Chapter 165A to require all commercial driver training schools to offer a minimum of 160 hours of instruction and to use the curriculum developed by the state board in consultation with the State Police and the Kentucky Community and Technical College System; establishes a ratio of students to instructors for classroom instruction, off-the-road training, and on-the road training; requires all commercial driver training schools to require all students to undergo a drug test at the time of enrollment; repeals KRS 332.020 and reenacts it as a new section of KRS Chapter 165A to establish guidelines on persons that shall be prohibited from being connected in any capacity with a commercial driver training school; repeals KRS 332.030 and reenacts it as a new section of KRS Chapter 165A to require the state board to pay the State Police an amount not to exceed the actual cost to inspect and investigate commercial driver training schools; requires the State Police to investigate the information contained in an application to open a commercial driver training school to verify the information, as well as to inspect the school's facilities to verify they meet state standards; repeals KRS 332.080 and reenacts it as a new section of KRS Chapter 165A to require commercial driver training schools to maintain student records in the same manner student records are maintained by the Kentucky Community and Technical College System under KRS Chapter 171, and to make the records available for inspection by the state board; repeals KRS 332.100 and reenacts it as a new section of KRS Chapter 165A to specify the matters the state board must promulgate regulations to govern commercial driver training schools; repeals the

following sections of KRS Chapter 332 and reenacts them as sections of KRS Chapter 165A and makes conforming amendments to the provisions of: KRS 332.040, 332.050, 332.060, 332.070, 332.090, 332.110, and 332.990; amends KRS 186.895 to require the Transportation Cabinet to annually report to the Governor and Legislative Research Commission on the motorcycle safety education fund; creates a new section of KRS Chapter 186 to prohibit the Transportation Cabinet from deducting administrative costs from the motorcycle safety education fund; requires the cabinet to report monthly to the Interim Joint Committee on Appropriations and Revenue on the motorcycle safety education fund; repeals KRS 332.010 relating to outdated definitions; requires all commercial driver training schools and instructors to comply with the new provisions when applying to renew their licenses in 2002; EMERGENCY.